

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

ERIC WILLIAMS,

Petitioner,

- versus -

DALE ARTUS, Superintendent, Wende  
Correctional Facility,

Respondent.

ORDER

11-CV-5541 (JG)

JOHN GLEESON, United States District Judge:

On September 8, 2013 Eric Williams filed a letter application requesting the reconsideration of one portion of my September 4, 2013 Memorandum and Order granting Williams's petition for a writ of habeas corpus. Specifically, Williams requests that I reconsider his claim that he received ineffective assistance from his trial counsel, who allegedly misadvised him regarding the maximum sentence for the lesser-included offense of manslaughter.

I see no reason to disturb the conclusions set forth in my September 4, 2013 Memorandum and Order, which granted Williams's petition for habeas corpus on the grounds that he was deprived of his right to a fair trial and received inadequate assistance of appellate counsel. In addition, it is clear from the record that Williams's claim that he received ineffective assistance from his trial counsel on the ground that he was misadvised regarding the maximum sentence for manslaughter is without merit. In the briefing before the state court on Williams's § 440.10 motion, the prosecution submitted an affidavit by Williams's trial counsel, who affirmed that he informed Williams that "the maximum sentence for manslaughter in the second degree was five years to fifteen years imprisonment." Philip W. Murphy Aff. ¶ 2, ECF No. 42, at 35.

Accordingly, Williams's letter application for reconsideration is denied.

So ordered.

John Gleeson, U.S.D.J.

Dated: September 9, 2013  
Brooklyn, New York